

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HOWARD P. STRAIN,)	
)	
Plaintiff,)	Civil Action No. 04-1581
)	
v.)	
)	Judge Lancaster
BOROUGH OF SHARPSBURG,)	Magistrate Judge Caiazza
PENNSYLVANIA, a Municipal)	
Entity, and RICHARD C. PANZA,)	
JOSEPH P. PANZA, LARRY)	
STELITANO, EILEEN RAPINO,)	
VINCENT F. SACCO, ALBERT)	
"PAT" ASTORINO, MARIO FERRARO,)	
ROXANE MAGNELLI, and ROBERT)	
STAPF, in their official and)	
individual capacities,)	
)	
Defendants.)	

MEMORANDUM ORDER

On October 19, 2004, this case was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On July 19, 2005, the magistrate judge filed a Report (Doc. 11) recommending that the Defendants' Motion to Dismiss (Doc. 7) be granted in part and denied in part. Specifically, it was recommended that the Plaintiff's federal causes of action be dismissed with prejudice and that the remaining state-law claims be dismissed for lack of jurisdiction without prejudice to refiling in the appropriate state court.

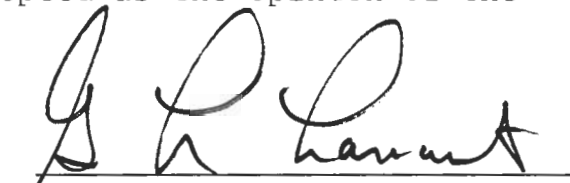
Service of the Report and Recommendation was made on the

parties, and the Plaintiff filed objections on July 19, 2005. See generally Pl.'s Objections to Magistrate's Report and Recommendation (Doc. 12).

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following Order is entered:

AND NOW, on this 22nd day of July, 2005, IT IS HEREBY ORDERED that: the Defendants' Motion to Dismiss (Doc. 7) is GRANTED IN PART AND DENIED IN PART. Specifically, the Plaintiff's federal causes of action are DISMISSED WITH PREJUDICE and the remaining state-law claims are DISMISSED WITHOUT PREJUDICE to refiling in the appropriate state court.

The Report and Recommendation of Magistrate Judge Caiazza dated July 19, 2005, is hereby adopted as the opinion of the District Court.


GARY L. LANCASTER
U.S. District Court Judge

cc:

Francis X. Caiazza
U.S. Magistrate Judge

Charles A. Lamberton, Esq.
Lamberton Law Firm, LLC
The Gulf Tower, Suite 1705
707 Grant Street
Pittsburgh, PA 15219

Patricia A. Monahan, Esq.
Marshall, Dennehey, Warner, Coleman & Goggin, P.C.
600 Grant Street,
2900 US Steel Tower
Pittsburgh, PA 15219